



# city of CREVE COEUR

300 North New Ballas Road • Creve Coeur, Missouri 63141  
(314) 432-6000 • Fax (314) 872-2539 • Relay MO 1-800-735-2966  
[www.creve-coeur.org](http://www.creve-coeur.org)

## NOTICE OF PUBLIC HEARING

**APPLICATION TO PLANNING AND ZONING COMMISSION  
#20-015: TEXT AMENDMENT TO ALLOW FOR DRUG AND DRUGGISTS'  
SUNDRIES MERCHANT WHOLESALERS (NAICS 424210) AS A  
CONDITIONAL USE IN THE GC-GENERAL COMMERCIAL DISTRICT**

**FOR THE MEETING OF: Monday, July 20, 2020, 6:30 PM**

**LOCATION:** 10330 Old Olive Street Road, GC-General Commercial District.

**REQUEST:** Paul Martin, attorney on behalf of Larry Malashock, owner of LARPAT LLC at 10880 Baur Boulevard, has submitted an application for a text amendment to the zoning code to allow Drug and Druggists' Sundries Merchant Wholesalers (NAICS 424210) as a conditional use in the GC-General Commercial District. Currently, the aforementioned use is not permitted in the GC District. If the text amendment is approved, the applicant intends to file for a conditional use permit to allow Baur Distributing to operate within a portion of the Baur Executive Suites building at 10880 Baur Boulevard. This business repackages and distributes "topicals"-health and beauty cosmetic products from the hemp industry. Text Amendments to the Zoning Ordinance requires review at the Planning and Zoning Commission and approval by the City Council.

**ADDITIONAL INFORMATION:** Review of the proposal is scheduled for the meeting on Monday, July 20, 2020. All meetings are held at 6:30 p.m., in the Council Chambers of the Creve Coeur Government Center located at 300 North New Ballas Road. Due to the pandemic emergency, the Planning and Zoning Commission and City Council meetings will be held via teleconference until further notice. Online meetings are hosted through a remote conferencing service called Zoom, which offers audio and/or video conferencing. We encourage you to attend remotely if you have any questions or wish to make a statement. For more information on the meeting and to register please go to: <http://www.crevecoeurmo.gov/1125/Public-Hearing-Registration>.

In addition, you can submit written or e-mail comments to Planning staff in advance of the meeting. Additional information regarding this proposal is available at the Government Center, Planning Division offices or on the City's website at [www.crevecoeurmo.gov/447/Current-Planning-Projects](http://www.crevecoeurmo.gov/447/Current-Planning-Projects). You may also call (314) 872-2501 or e-mail [wkelly@crevecoeurmo.gov](mailto:wkelly@crevecoeurmo.gov).

### Key Issues:

- Are the changes consistent with the purposes of the Zoning Code?
- Are the changes consistent with the purposes of the Comprehensive Plan?

### Comprehensive Plan References

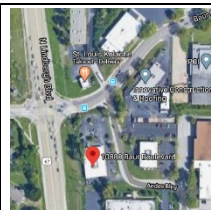
- Mixed-Use Innovation Campus District (MUIC)
- 39N Master Plan

### Zoning Code References

- Table A: Permitted and Conditional Uses
- Section 405.210: Regulation of Uses
- Section 405.360: GC-General Commercial
- Section 405.470: Conditional Uses

**APPLICANT:** Larry Malashock  
LARPAT, LLC, dba Baur  
Executive Suites  
10880 Baur Boulevard  
Creve Coeur, MO 63141

**APPLICANTS** Paul Martin  
**REPRESENTATIVE:** Paul Martin, PC  
101 South Hanley Road, Suite 1280  
St. Louis, MO 63105



Google images

**STAFF CONTACT: Whitney Kelly, AICP, City Planner**

CC: Alexis Travers and Heather Silverman – Ward I

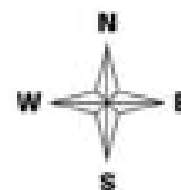
## Aerial Photo



### City Limits

## Parcels

June 22, 2020



Prepared By

HOMERUN

Law Offices of  
**Paul Martin, P.C.**  
101 South Hanley Road, Suite 1280  
St. Louis, Missouri 63105  
[paul@paulmartinpc.com](mailto:paul@paulmartinpc.com)  
(314) 805-8800

May 22, 2020

Ms. Whitney Kelly  
Creve Coeur City Planner  
300 N. New Ballas Road  
Creve Coeur, MO 63141

*Delivered by U.S. Mail and by electronic mail to [wkelly@crevecoeurmo.gov](mailto:wkelly@crevecoeurmo.gov)*

Re: 10880 Baur Boulevard

Dear Ms. Kelly:

As we've discussed, please accept this letter and the enclosed form and filing fee as my client's application for a text amendment to the City's "GC" zoning classification table.

I represent LARPAT, L.L.C., d/b/a Baur Executive Suites. LARPAT is the owner of 10880 Baur Boulevard, which is located in the City "GC" General Commercial District. Larry Malashock owns LARPAT.

LARPAT owns 10880 Baur and has leased space within the building for commercial office purposes. In 2019, a Missouri American water line burst, flooding a significant portion of the property. While some office uses have been restored, Mr. Malashock would like to use part of the building for a separate business—Baur Distributing—which he also owns in partnership with others. Baur Distributing would lease approximately 2,000 square feet from LARPAT, which would also maintain its commercial office leasing for the remaining majority of the building space (approximately 8,000 square feet).

Baur Distributing would involve the repackaging and distribution of "topicals"—health and beauty cosmetic products which are largely sourced and developed using product from the hemp industry—that would be sold to retailers and also directly by internet to consumers. Product will be delivered to the property by van or straight truck once or twice a week. There it will be repackaged into smaller containers, labelled, and then delivered to retailers and end-users by standard shipping and mail methods. The new business will utilize the existing double doors facing east for all product transfers, and this access point will be exclusive to the business. Because the business is limited in size and scope, there is no need for semi-truck delivery or for any delivery bays. Baur Distributing would also use approximately 110 square feet of its space for a company office, and while there are no current plans to open the space to walk-in buyers, that use remains a possibility.

As you know, the property is located in the city's General Commercial zoning district, and the most applicable NAICS category is Use Code No. 424210, Drugs and Druggists' Sundries Merchant Wholesalers. According to Table A of the City's Zoning Code, this use is not allowed in the GC District, either as a permitted or as a conditional use, although it is a permitted use in the neighboring "LI" Light Industrial District. We are asking the City to amend Table A by classifying Use Code No. 424210 as a conditional use in the GC District.

We believe this reclassification satisfies the general standards established in Section 405.1060 of the City Code.

- It is consistent with City's 2030 Comprehensive Plan Update, specifically Section XI, Mixed-Use Innovation Campus District (MUIC), in that it would maintain the current ground floor "mixed uses" and community amenities that are permitted in the GC District and would further complement and accommodate the sale and distribution of hemp products, and hence development of the SLEDP 39 North plant science and technology district.
- It would not increase the risk of fire, panic, or other damages, diminish the existing availability of light and air, which is adequate for the area, increase population or contribute to the overcrowding of 10880 Baur or its neighboring properties, or increase the City's burden for the provision or safe-guarding of City services to the GC District.

We also do not believe the proposed reclassification would increase traffic congestion in the area or otherwise negatively affect the area's prevailing character or its existing zoning scheme.

- The proposed reclassification would not adversely impact the city's current zoning scheme. While the purpose and intent of the GC district is "to accommodate . . . convenience retail shopping and services and offices . . . which are compatible in scale and intensity of use with adjacent residential uses", there are no adjacent residential uses that need to be protected in this area.
- The proposed reclassification would be consistent with uses currently permitted in the GC District. For example, the current district classifications permit, whether of right or conditionally, several uses involving the delivery of product and on-site transformation of that product into or for a different use. See, e.g., confectionary manufacturing (NAICS 311340-311352), retail bakeries (NAICS 311811), roof-mounted communication equipment (NCAIS 517929), surgical appliance and supplies manufacturing (NAICS 339113), dental laboratories (NAICS 339116), sign manufacturing (NAICS 339950), and packaging and labelling services (NAICS 561910).
- Furthermore, that portion of the GC District that encompasses 10880 Baur is adjacent to the city's LI District to the east and is also bounded by Lindbergh Boulevard to the west, at the northeastern corner of the city, and the GC properties in this location generally do not have direct access to Lindbergh. This relative isolation has resulted in the area being developed in ways that are compatible with the adjoining LI zoning.
- More specifically, the proposed reclassification would be consistent with uses currently existing in and around 10880 Baur, whether in the GC or LI Districts, which include industrial, wholesale, and distribution businesses that require substantial product

storage, delivery, and transport and which use the same roads as 10880 Baur. E.g., Party Land and American Carnival Mart (outdoor storage and rental of carnival facilities), Innovative Construction and Roofing (outdoor storage of roofing supplies and sale of roofing services), Gran Prix Bowling Supply (wholesaler to bowling alleys), AG&M Marble (national wholesale distributor with a public showroom), Jackman's Fabrics, U.S. Foods, Ambassador Embroidery Machines, and Spectra Metal Sales.

- Perhaps most compatible with the proposed use of 10880 Barr is PCI, Inc. a large topicals production and distribution facility located just two lots to the west of my client's property at 10800 Baur.

And please remember that approval of the requested reclassification would only allow Baur Distributing to apply for a conditional use permit. The City would retain the authority to consider and permit or deny the proposed use, or to condition the proposed use as circumstances require, including method and location of deliver, hours of operation, physical site changes, walk-in traffic, etc. Given that the proposed use takes up a small amount of space and that the on-site activities are minimal and not intensive or invasive, Baur Distributing is more than willing to submit itself to the conditional use process.

In closing, we are aware of staff concern that approval of the proposed reclassification may well have unintended consequences in those portions of the City that are zoned GC but that are not located in the area of 10880 Baur, i.e., the GC areas that front on Olive and Lindbergh Boulevards and that have a near proximity to the City's residential or core business districts. We appreciate this concern, and while we believe such issues could be addressed by the City in the conditional use application process, we propose a textual limitation on the reclassification to resolve this potential issue. Thus, Table A to Chapter 405 could be revised to acknowledge Use Code No. 424210 as a conditional use in the GC District, but an accompanying footnote could limit the use to properties "adjacent to the LI District to the east and bounded by Lindbergh Boulevard to the west", or something similar. This would limit the potential development of this use to the northeastern corner of the city, an area for which it is demonstrably well-suited.

We look forward working with you on the application, and if you need anything further, please let me know.

Sincerely,

Paul Martin, P.C.

  
By: Paul Martin

Copy: Mr. Carl Lumley, City Attorney





city  
of

# CREVE COEUR

File # \_\_\_\_\_

300 North New Ballas Road • Creve Coeur, Missouri 63141  
(314) 872-2500/872-2501 • Fax (314) 872-2505 • Relay MO 1-800-735-2966  
www.creve-coeur.org

## PLANNING AND ZONING COMMISSION AGENDA APPLICATION TEXT AMENDMENT

<i><b>Applicant:</b></i>	<i><b>Applicant's Representative (if applicable):</b></i>
LARPAT, L.L.C.	Paul Martin
<i>Name</i>	<i>Name</i>
d/b/a Baur Executive Suites	Paul Martin, P.C.
<i>Company (If Applicable)</i>	<i>Company (If Applicable)</i>
10880 Baur Blvd.	101 South Hanley Road, Suite 1280
<i>Address</i>	<i>Address</i>
Creve Coeur, MO 63132	St. Louis, MO 63105
<i>Address</i>	<i>Address</i>
Telephone # _____	Telephone # 314-805-8800
Fax # _____	Fax # 314-727-9071
Email: _____	Email: paul@paulmartinpc.com

### APPLICANT:

- ☐ City Official (Mayor, City Councilor, Planning Commissioner, Zoning Administrator)  
☒ Private Party (Financial, contractual, or proprietary interest)  
☐ Other Governmental Interest (Jurisdiction: \_\_\_\_\_)

The undersigned hereby requests to be placed on the Agenda for the Planning and Zoning Commission meeting at 6:30 P.M. on Monday, July 20, 2020.

  
\_\_\_\_\_  
*Applicant's Signature*

\_\_\_\_\_  
*Applicant's Representative's Signature*

5-21-20  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

### Submittal Checklist

- Two (2) checks, \$250.00 filing fee & \$2000.00 escrow
- Description of Request
- Proposed Ordinance Language
- Electronic copy of all submitted documents.

Jason Jaggi, AICP, Director of Community Development  
Whitney Kelly, AICP, City Planner  
Jessica Stutte, Administrative Assistant (872-2501)

### Office Use Only

Received by:  
Fees paid:

Updated 5/19

**Description of Request (attach additional sheets as needed):** \_\_\_\_\_

Amendment to Table A, Permitted and Conditional Uses, to Chapter 405, Zoning Ordinance, of the Creve Coeur Municipal Code, by reclassifying Use Code No. 424210,

Drugs and Druggists' Sundries Merchant Wholesalers, as a conditional use in the "GC" General Commercial District. Please see attached.

**Affected Section(s) of the Zoning or Subdivision Code:** \_\_\_\_\_

See above

**Proposed Ordinance Language (attach additional sheets as needed):** \_\_\_\_\_

See above.

  
Applicant Signature

5-31-20  
Date